

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-306-FDW**

DASAHWN GERVIN,)
)
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Plaintiff,)
)
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vs.)
)
CHRISTIAN HENDLEY, et al.,)
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)
Defendants.)
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ORDER

THIS MATTER is before the Court on Defendants' Motion for an Enlargement of Time to Answer or Otherwise Respond to Plaintiff's Amended Complaint, (Doc. No. 17), and Plaintiff's *pro se* Declaration for Entry of Default Judgment (Doc. No. 18).

For good cause shown, Defendants' Motion seeking an extension of time to answer or otherwise respond to the Amended Complaint is granted until June 1, 2018, for good cause shown.

In his Declaration for Entry of Default Judgment, Plaintiff contends that more than 20 days have elapsed since Defendants were served with the Amended Complaint, that they have failed to answer or respond and the time to do so has expired, so default judgment should be entered in his favor. The time for Defendants to answer or respond to the Amended Compliant had not yet expired at the time they filed their Motion for an extension of time to answer or respond, and therefore, Defendants are not in default. Plaintiff's Declaration will be construed as a motion for default judgment, and will be denied.

IT IS THEREFORE ORDERED that:

- (1) Defendants' Motion for an Enlargement of Time to Answer or Otherwise Respond to Plaintiff's Amended Complaint, (Doc. No. 17), is **GRANTED** as stated in this Order.

(2) Plaintiff's Declaration for Entry of Default, (Doc. No. 18), is construed as a motion for default judgment and is **DENIED**.

Signed: May 8, 2018



Frank D. Whitney
Chief United States District Judge

